IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 3567 of 2007(Y)

PETITIONER:

P. KOMALAVALLY,
HSA (MALAYALAM), GOVERNMENT HIGH SCHOOL,
VADANAKURUSSI, PALAKKAD DISTRICT.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SMT.DHANYA CHANDRAN

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, GOVT.SECRETARIAT,
TRIVANDRUM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD.

3. THE DISTRICT EDUCATIONAL OFFICER,
OTTAPPALAM.

BY SR. GOVERNMENT PLEADER SRI. T.T. MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 3567 OF 2007

Dated this the 16th day of July, 2007

J U D G M E N T

Petitioner was initially appointed as LPSA (Malayalam) in the year 1990. Later she was promoted as High School Assistant (Malayalam) in May 1995, as can be seen from Ext.P2. She had been working in Government High School Vadanakurussi in Palakkad ever since March 2000.

2. By order dated January 1, 2007, a copy of which is on record as Ext.P10, petitioner was ordered to be shifted to Government High School, Vellinezhi, since she was found excess at Vadanakurussi. But petitioner has been continuing in Vadanakurissi itself despite of Ext.P10 order, on the strength of an interim order issued by this Court on February 1, 2007 in this writ petition. Petitioner has raised various contentions in support of her plea that the order of deployment is totally illegal and vitiated.

3. It is submitted by the learned Government Pleader that the contention raised by the petitioner that she was deployed to Vellinezhi despite the fact that there was no vacancy in that station is not correct at all. He submits that there is in fact a vacancy to accommodate the petitioner at Vellinizhi itself as has been informed by the Deputy Director of Education, Palakkad.

4. Learned counsel fairly concedes that in view of the incorporation of Rule 6(J) in Chapter XXIII with effect from March 30, 2005, petitioner may not be able to challenge Ext.P10 order. The limited prayer made by the learned counsel is to issue a direction to respondent No.2 to consider Ext.P11 representation preferred by her, wherein the petitioner is stated to have highlighted all her grievances. She has also pointed out that there is a vacancy in a nearby school at Pattambi where she can be accommodated. These are all matters to be considered by the departmental officer, before whom Ext.P11 is pending.

Therefore, the writ petition is disposed of with a direction to respondent No.2 to consider and pass orders on Ext.P11 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment. Till such time a decision is taken in the matter, the interim order passed by this Court shall remain in force. Needless to mention that, petitioner shall be afforded sufficient opportunity to be heard before any decision is taken. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition and counter affidavit before respondent No. 2 for compliance.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007